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S E C R E T KUWAIT 003394

SIPDIS

NOFORN

FOR NEA/ARPI AND S/WCI

E.O. 12958: DECL: 07/30/2015

TAGS: [PTER](#) [PHUM](#) [PREL](#) [KAWC](#) [KU](#) [TERRORISM](#)

SUBJECT: TRANSFER OF KUWAITI DETAINEES: GOK PROMISES  
DETENTION AND TRIAL, NOT TERROR

REF: A. STATE 140334

[B](#). STATE 125002

[C](#). KUWAIT 1501

[D](#). KUWAIT 2928

Classified By: Charge d'Affaires Matthew H. Tueller for reasons. 1.4(b)  
and (d)

[1](#). (U) This is an action request. See paragraphs 4 and 5.

[2](#). (S/NF) PolChief delivered ref A demarche July 31 to Ambassador Khaled Al-Maqamis, Ministry of Foreign Affairs (MFA) Director of Coordination and Follow Up. Al-Maqamis said he was aware that several Kuwaitis were under consideration for transfer to GOK authority -- Abdulaziz Sayer Owain Al-Shammari, Mohammed Funaitel Al-Dihani, Adil Zamil Abdul Mohsin Al-Zamel, Saad Al-Azmi, and Abdullah Saleh Al-Ajmi -- and sought confirmation that he had correctly identified the candidates for transfer. PolChief declined to discuss specific detainee cases and sought GOK affirmation that any Kuwaiti national returned to GOK custody would be treated humanely and subject to appropriate laws to prevent engagement in any type of activity that could threaten U.S. or Kuwaiti interests. Referring to the exchange of notes before the release of Nasser Al-Mutairi, Al-Maqamis averred that detainees, upon return to Kuwait, would be held and prosecuted under Kuwaiti law for their terror activities. He said the GOK would reconfirm in writing that detainees would be placed in custody and tried.

[3](#). (C) Commenting on the acquittal of Al-Mutairi, Al-Maqamis reported the case was not yet closed (refs C and D). He said the Attorney General was still reviewing the file and it was possible to appeal the verdict or submit new charges. In response to ref A points, he said the GOK welcomed any information the U.S. could provide to strengthen the case against Al-Mutairi. He further claimed that Kuwait State Security was aware of Al-Mutairi's activities, but, more importantly, Al-Mutairi "knows the procedures." He also reminded PolChief that Kuwait was a democracy with an independent judiciary and that the MFA had no jurisdiction over the Ministry of Justice.

[4](#). (C) Action request: Post was aware that several Guantanamo detainees were being considered for transfer to the GOK, but had not received specific details. For Post's information, and in order for Post to fully engage the GOK on this matter, please identify the Kuwaiti already approved for the transfer as well as the names of those under consideration.

[5](#). (C) Action request continued: Al-Maqamis sought information on when the transfers might be approved and their modalities. Noting the four months between the approval of Al-Mutairi's release and his actual return to Kuwait, Al-Maqamis asked whether the GOK would have to again charter an aircraft or whether the detainees could fly commercially to London and then travel by Kuwait Airways. Please advise Post of the procedures and security concerns that must be observed for the transfer of any detainee to Kuwait, specifically identifying countries that may not/not be transfer points.

TUELLER